

REMARKS

Reconsideration of this application is respectfully requested.

A petition for a three month extension of time to respond to the outstanding Office Action of January 26, 2005 is hereby made.

Claims 1-78 are pending in this application. Upon entry of this Amendment, claims 1, 3, 8, 10, 15, 17, 19, 39 – 50, 59 – 66 and 71 – 78 will be amended, and new dependent claims 79 – 82 will be added.

Submitted with this Amendment is a Supplemental Information Disclosure Statement for consideration by the Examiner in connection with the further examination of the present application, which includes a Declaration by the inventor, John Wirth, discussing the creation and running of certain test websites on the Internet for the purpose of developing and testing his invention in the "real world" Internet environment in which it would be used, and to make changes to it as needed. Mr. Wirth explains in his Declaration that the test websites were not created and run on the Internet for profit purposes, as evidenced by the fact that the test websites were not published, advertised, or otherwise promoted to the public by him or anyone acting on his behalf or in his employ, except for certain e-mails sent to a limited number of Mr. Wirth's company's customers for the purpose of asking them to participate in the "real world" Internet testing of his invention in September of 2000. Mr. Wirth also explains in his Declaration that, in so testing the website, he and his company experienced a number of problems with the website's functioning requiring correction, including, in particular, an inability of the

persons testing the website to successfully place orders for and thereby purchase catalog products viewed by them on the website. If more information regarding Woodworker's website is desired, the Examiner is urged to contact the undersigned at the telephone number listed below.

In the outstanding Final Office Action of January 26, 2005, the Examiner rejected claims 1 – 78 under 35 U.S.C. §112, first paragraph, as failing to enable one of ordinary skill in the art to be able to define the size of the claimed low resolution file by the ability of a customer to recognize a product in the file without undue or unreasonable experimentation. In this regard, the Examiner argued:

[The] Examiner notes that by defining the size of the low-resolution file based on the ability of a customer to recognize the products contains a significant amount of variables. For example, Applicant has no way of determining the quality of the customers [sic, customer's] vision, as an 80 year old customer would require much larger resolution than say a 20 year old customer. In addition, Applicant fails to describe how the present invention considers the customer's monitor, as a 26 inch flat panel would handle a much smaller picture than say a 15 inch black and white monitor.

1/26/2005 Final Office Action, p. 2.

The Examiner's rejection of claims 1-78 under §112, first paragraph, should be withdrawn for at least two reasons.

First, independent claims 1, 8, 15, 19, 47, 48, 49, and 50 of the present application have now been amended to recite that the low resolution scan is generated using a reduction ratio, whereby the low resolution scan file is reduced to a size that provides a

display with sufficient detail to allow recognition, without reference to a customer, of at least products imaged on the printed catalog page. Thus, the rejected claims, as amended, now do not recite a method based on the ability of a particular customer to recognize products displayed from a reduced low resolution scan file.

Second, undue experimentation would not be required for one of ordinary skill in the art to practice the claimed invention and produce a low resolution scan file that provides a display of a printed catalog page with sufficient detail to allow recognition of at least products imaged on the printed catalog page.

The specific embodiment of the invention described in the specification of the present application uses a reduction ratio of nominally 20 MB to 20 KB to reduce the low resolution scan file to a size that provides a display with sufficient detail to allow recognition of at least products imaged on the printed catalog page. As explained in the concurrently-submitted Rule 132 Declaration of Robert Tyrrell, a person with a Bachelor of Science Degree in Computer Science and 10 years of experience designing and administering websites, one of ordinary skill in the art could readily use this reduction ratio to practice the claimed invention without undue experimentation.

In addition, as also explained by Mr. Tyrrell in his Declaration, one of ordinary skill in the art could practice the claimed invention without undue experimentation by selecting a reduction ratio that produces a display for "standard Windows applications", such as Internet Explorer. As Mr. Tyrrell notes in his Declaration, in providing an

explanation of how to select a PC display system, The COMPUTER DESKTOP

ENCYCLOPEDIA teaches that:

Monitor size and resolution depend on the applications you run. The standard resolutions are 640x480, 800x600, 1024x768, 1280x1024 and 1600x1200. For example, 640x480 means that there are 640 columns and 480 rows of pixels on screen. The higher the resolution, the more viewable material on screen at one time.

For standard Windows applications, 1024x768 is the desired resolution with at least a 17" monitor. A 19" or 20" monitor is better yet. For desktop publishing and graphics work, 1280x1024 on a 20" monitor is preferred.

See Tyrrell Declaration, ¶5, and "how to select a PC display system", COMPUTER DESKTOP ENCYCLOPEDIA, The Computer Language Company Inc., (Version 14.3m, 3rd Quarter 2001). As Mr. Tyrrell further notes, in paragraph 4 of his Declaration, the COMPUTER DESKTOP ENCYCLOPEDIA explains in its definitions of "Windows" and "web browsers", "Windows" is "[t]he most widely used operating system for personal computers," and "the two major [web] browsers today are Netscape Navigator and Microsoft Internet Explorer."

According to Mr. Tyrrell and the COMPUTER DESKTOP ENCYCLOPEDIA, a display for "standard Windows applications" would use a resolution of 1024x768 with at least a 17" monitor. Any other monitor with a higher resolution, or that is larger in size, such as 19" or 20" monitor, would only provide a display of the low resolution scans that is more viewable. *See* Tyrrell Declaration, ¶6 and "how to select a PC display system", COMPUTER DESKTOP ENCYCLOPEDIA, The Computer Language Company Inc., (Version

14.3m, 3rd Quarter 2001). Copies of the cited portions of The COMPUTER DESKTOP ENCYCLOPEDIA are attached for the Examiner's consideration, as Attachment A to Mr. Tyrrell's Declaration.

With regard to the Examiner's reference to the concept of an image "thumbnail" file in his rejection of claims 1 – 78 under 35 U.S.C. §112, first paragraph, it is noted that the claimed invention is not directed merely to the use of a reduced low resolution scan file to display a low resolution image of a product on a printed catalog page, but rather to a low resolution scan file providing a display of a selected printed catalog page with sufficient detail to allow recognition of at least products imaged on the catalog page.

In view of the foregoing and the above-noted amendments to the independent claims in the present application, the Examiner's rejection of claims 1-78 under §112, first paragraph, should now be withdrawn.

In the outstanding Final Office Action, the Examiner again rejected claims 1-50 under 35 U.S.C. §102(b) as being anticipated by the website www.bartswatersports.com (hereinafter "Barts"). In his rejection, it appears that the Examiner is again relying on the October 1, 2000 version of the Barts website referenced in the PTO-892 Form mailed with the prior Office Action of June 6, 2004. The Examiner's §102(b) rejection is again respectfully traversed.

For a claim to be anticipated by a reference, each and every element recited in the claim must be present in the cited reference.

Here, Barts does NOT anticipate claims 1 – 50 because Barts does not disclose the generation of low resolution scan displays of catalog pages, wherein the product images and text on the catalog pages are displayed in the format of a printed catalog page, but with sufficient detail to allow recognition of at least products imaged on the catalog pages, as recited in independent claims 1, 8, 15, 19 and 47-50 of the present application. Indeed, nowhere in his repeated rejection of claims 1-50 under §102(b) as being anticipated by Barts does the Examiner address the printed catalog page display feature of the claimed invention, much less explain where in Barts this feature is disclosed.

Rather, Bart's website presents a listing of product categories in the form of hyper-links, which when clicked, present sub-listings of further products within the selected product categories, the sub-listings of further products again being presented in the form of hyper-links. When a sub-listing hyper-link is clicked, then a grouping of low resolution images of products and identifying/pricing text is then displayed. Each of the displayed product images is again a hyper-link, which when clicked, presents a more detailed image of the product with ordering information and further links to purchase the item.

Thus, in the paper examples of Barts cited by the Examiner, the "Mooring Equipment" hyper-link appears to have been clicked to produce the sub-listing of products including "Boat Fenders", "Buoys", "Lines/Hooks", and "Mooring Whips". Thereafter, the "Lines/Hooks" hyper-link appears to have been clicked to produce several hyper-link images of products that include the "300 ft. Kevlar Spool Rope" and "Marine

"Slaps and Hooks" images. These images also appear to have been clicked to present more detailed images of the products with ordering information and further links to purchase the items. Clearly, then, Barts does not disclose the generation of low resolution scan displays of catalog pages, wherein the product images and text on the catalog pages are displayed in the format of a printed catalog page, as recited in rejected independent claims 1, 8, 15, 19 and 47-50. And because Barts does not anticipate independent claims 1, 8, 15, 19 and 47-50, it also does not anticipate dependent claims 2 – 7, 9 – 14, 16 – 18, and 20 – 46, which depend either directly or indirectly from such independent claims.

In the outstanding Final Office Action, the Examiner also rejected claims 1-78 under 35 U.S.C. §102(a) as being anticipated by what is purported to be a October 25, 2001 version of the website, www.lillianvernon.com (hereinafter "Vernon"). The Examiner's §102(a) rejection is also respectfully traversed.

The Vernon webpage cited by the Examiner does not anticipate rejected claims 1 – 78 of the present application because the Examiner has failed to cite a prior art version of the Vernon website that discloses a low resolution scan display of catalog pages, wherein the product images and text on the catalog pages are displayed in the format of a printed catalog page with sufficient detail to allow recognition of at least products imaged on the catalog pages, as recited in independent claims 1, 8, 15, 19 and 47-50 of the present application.

Although the first two portions (Vernon A and B) of the paper copy of the Vernon website cited by the Examiner bear 2001 copyright notices, the last two portions (Vernon C and D) of the paper copy of the cited Vernon website bear 2004 copyright notices, a date that is well after the December 6, 2001 filing date of the present application. A copy of the cited Vernon website with the copyright notices highlighted in yellow is attached for the Examiner's reference.

The first page (Vernon A) of the paper copy of the Vernon website cited by the Examiner appears to include a "View Catalogs Online" hyperlink. The first paper page also bears a 2001 copyright notice.

The second and third pages (Vernon B) of the paper copy of the cited Vernon website appear to show a plurality of catalog images on the second paper page that appear to be hyperlinks to specific Lillian Vernon catalogs. The third paper page also bears a 2001 copyright notice. The second paper page also bears a date of October 26, 2001 at the top middle of the page, which is different from the October 25, 2001 date of the version of the Vernon website purported to be cited by the Examiner.

The fourth and fifth pages (Vernon C) of the paper copy of the cited Vernon website purport to show low resolution displays of pages 6 and 7 of what is presumably a Lillian Vernon catalog, although there is no indication of what particular catalog, if any, the pages came from. The words "Place mouse on image to view product name" on the fourth paper page suggests that each of the images shown on the fourth paper page are

hyper-links to additional information. More significantly, the fifth paper page also bear a 2004 copyright notice.

The sixth and seventh pages (Vernon D) of the paper copy of the Vernon website cited by the Examiner purport to show a higher resolution image of and identifying information and order data for one of the products displayed on catalog pages 6 and 7 (Vernon C). Here again, the seventh paper page bears a 2004 copyright notice.

The undersigned was unable to view the portions of the Vernon website cited by the Examiner because of a function identified by the www.archive.org website as "robots.txt." The www.archive.org website explains the "robots.txt." function corresponds to "Robot Exclusion (SRE)", a means by which web site owners can instruct automated systems not to crawl their sites. The www.archive.org further explains that website owners can specify files or directories that are allowed or disallowed from a crawl, and create specific rules for different automated crawlers, all of such information being contained in a file called "robots.txt."

Notwithstanding the fact that two parts of the Vernon website cited by the Examiner are not prior art with respect to the present application, even assuming, *arguendo*, that such portions of the Vernon website were properly citable against the present application, the Vernon website would still not anticipate the rejected claims of the present application because it does not disclose displaying a detailed product presentation comprising at least a high resolution image of said product and an order data block containing ordering information and at least one corresponding link for purchasing

the product, as recited in rejected independent claims 1, 8, 15, 19 and 47-50 of the present application.

In the cited paper version of the Vernon website, the "detailed product presentation" (Vernon D) includes a larger image of the product with product identifying and pricing information, but not at least one corresponding link for purchasing the product adjacent to the larger image of the product or the product identifying and pricing information. Thus, even if the Vernon website were properly citable against the present application, which it is not, it would still not anticipate either rejected independent claims 1, 8, 15, 19 and 47-50, or dependent claims 2 – 7, 9 – 14, 16 – 18, and 20 – 46.

In view of the foregoing, it is believed that all of the claims pending in the application, *i.e.*, originally-pending claims 1 – 78 and newly-added dependent claims 79 – 82, are now in condition for allowance, which action is earnestly solicited. If any issues remain in this application, the Examiner is urged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: Robert A. Molan
Robert A. Molan
Reg. No. 29,834

RAM:drt
901 North Glebe Road, 11th Floor
Arlington, VA 22203
Telephone: (703) 816-4000
Facsimile: (703) 816-4100